

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2582 of 1986

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

B J VAISHNAV

Versus

STATE OF GUJARAT

Appearance:

MR PM THAKKAR for Petitioner

SERVED for Respondent No. 1, 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 25/10/96

ORAL JUDGEMENT

The petitioner, at the relevant time, was serving as Assistant Regional Transport Officer. It is the claim of the petitioner that the petitioner was due for promotion to the post of Regional Transport Officer. However, same was denied to the petitioner apparently for no reason. The petitioner has submitted that the promotions to the post of Regional Transport Officer are

being made from amongst the Assistant Regional Transport Officer of proved merit and efficiency. It is submitted that a charge sheet was issued to the petitioner some time in the year 1981. However, no disciplinary action has been held against the petitioner pursuant to the said charge sheet. Learned advocate Mr. Thakkar, therefore, submits that there was no earthly reason not to consider the case of the petitioner for promotion to the post of Regional Transport Officer.

2. This petition was admitted to final hearing on 23rd March, 1988 and by way of ad-interim order, the respondents were directed to consider the case of the petitioner for promotion to the post of Regional Transport Officer. However, though the petition has been pending for more than ten years, no affidavit has been made by the respondents in reply to the petition nor have the respondents complied with the ad-interim order made by this Court. In the circumstances, this petition is allowed. Following directions are issued to the respondents :

The respondents herein are directed to consider the case of the petitioner for promotion to the post of Regional Transport Officer as on the date on which the petitioner was otherwise entitled for such consideration in view of his seniority. If the petitioner is found suitable for promotion, he be given deem date from such date and be given all other consequential benefits and pay fixation and difference of salary etc. in accordance with law. Decision that may be taken by the respondents in this regard be communicated to the petitioner.

It is, however, clarified that in the event the respondents have considered the case of the petitioner pursuant to the ad-interim order made by this Court, and the decision taken thereon has been communicated to the petitioner or that the petitioner is promoted to the post of Regional Transport Officer pending this petition, aforesaid directions shall not bind the respondents. The petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

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